

NATALIE K. WIGHT, OSB #035576  
United States Attorney  
District of Oregon  
**JOHN C. BRASSELL, WASB #51639**  
Assistant United States Attorney  
[John.Brasell@usdoj.gov](mailto:John.Brasell@usdoj.gov)  
310 West Sixth Street  
Medford, Oregon 97501  
Telephone: (541) 776-3564  
Attorneys for the United States of America

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**UNITED STATES OF AMERICA**

**1:23-CR-00254-MC**

**v.**

**UNITED STATES' MOTION FOR  
COMPLEX CASE DESIGNATION**

**NEGASI ZUBERI**  
**aka Justin Joshua Hyche,**

**Defendant.**

The United States moves to designate this case as complex case, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii). Defense counsel Michael Bertholf opposes this motion.

**I. PROCEDURAL BACKGROUND**

On July 17, 2023, a complaint and arrest warrant was issued charging defendant Negasi Zuberi with kidnapping. On July 26, 2023, in the District of Nevada, Mr. Zuberi had an initial appearance on the complaint and was detained. On August 2, 2023, a federal grand jury returned an indictment charging him with kidnapping and transportation with intent to engage in sexual

activity. (ECF No. 7). On August 2, 2023, initial defense counsel was appointed, and on August 14, 2023, first appearance, arraignment, and a detention hearing were held. (ECF Nos. 11 and 16). On September 12, 2023, the Court granted an oral motion for a continuance and excluded time under the Speedy Trial Act until December 23, 2023; trial is currently set for December 12, 2023. (ECF No. 23). On September 27, 2023, current defense counsel was appointed, Michael Bertholf, replacing former counsel. (ECF No. 28).

The government estimates that trial will take approximately two weeks and will likely involve evidence of prior bad acts from one or more victims. The government also anticipates seeking additional charges in a superseding indictment. As explained further below, given the nature of the charges, the multiple jurisdictions and locations relevant to the offenses, evidence from other victims, anticipated expert testimony and voluminous discovery, the government requests this case be declared complex.

## **II. ANALYSIS**

### **A. Offense Conduct**

This prosecution involves crimes and investigations in multiple districts. For the currently charged offenses, Mr. Zuberi kidnapped AV1 in Seattle and transported her to his residence in Klamath Falls, Oregon, stopping to sexually assault her in the area of Oakridge, Oregon. After AV1 escaped, Mr. Zuberi fled to Reno, Nevada, where he was arrested. The FBI has obtained relevant video evidence from Washington, Oregon and Nevada. Physical evidence was gathered from Mr. Zuberi's Klamath Falls residence, from a trailer in Klamath Falls, from his vehicle in Reno, from Mr. Zuberi's person, and from the victim.

Mr. Zuberi constructed a cinder block cell and used numerous items in the crimes, including a taser, handcuffs, a pistol, a cell phone jamming device and a car. Financial records,

online purchases, video of purchases, and testimony will be offered to connect Mr. Zuberi to the construction of the cell and to the instrumentalities of the crimes. Multiple search warrants on different locations have been executed, including on more than ten digital devices and for geolocation data. Geolocation data was initially obtained from a service provider pursuant to an exigency request and then subsequently pursuant to a search warrant. Additional location data was obtained directly from a GPS device in Mr. Zuberi's Honda Pilot, and efforts to obtain further location data directly from Mr. Zuberi's cell phone and from another source are ongoing.

**B. Additional Charges**

Mr. Zuberi is a convicted felon who possessed a firearm during the kidnapping. Additionally, after his arrest and detention on federal charges, he was arrested on a subsequently-dismissed state escape charge. The investigation is ongoing and the government anticipates seeking additional charges in a superseding indictment.

**C. Prior Bad Acts**

Other victims have disclosed being sexually assaulted, kidnapped, or otherwise victimized by Mr. Zuberi. These disclosures include potentially relevant evidence pursuant to Rule 404(b) of the Federal Rules of Evidence and would be the subject of litigation. The prior bad acts evidence is from multiple states and includes ongoing investigations. Investigation by the parties, discovery and its review, and the ensuing litigation, will all be time consuming.

**D. Expert Testimony**

The United States currently anticipates expert testimony regarding DNA, fingerprints, digital evidence and geolocation data. Expert handwriting analysis is also likely.

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### **E. Discovery**

The volume of data produced by the investigation is significant and its production and review is very time-consuming. The arrest of Mr. Zuberi in Reno, Nevada, following his refusal to exit his vehicle and his self-inflicted injury, involved at least 15 law enforcement officers wearing body cameras, and there were also multiple dashboard cameras. Parts of Mr. Zuberi's conversation with the crisis negotiator are captured, as well as when he is in the ambulance, at the hospital, and being transported to court in Nevada.

Mr. Zuberi has also made numerous lengthy calls from jail which were recorded. Further, an internal camera system inside Mr. Zuberi's residence captured more than ten thousand short clips (less than ten seconds), some of which captured audio of Mr. Zuberi talking.

Laboratory analysis for at least 35 samples or items, checking for evidence such as DNA or blood, has been partially completed. Testing is ongoing and additional items remain to be tested. Items are being examined for the identification of multiple individuals, including AV1, Mr. Zuberi, and another victim.

The parties are closely communicating regarding discovery, have agreed to a protective order, and the government will continue to work with the defense to identify and resolve any discovery issues. However, discovery is both complex and will be voluminous.

### **III. CONCLUSION**

The nature of this prosecution—specifically, the multiple states and locations relevant to the charges, the number of different law enforcement officers, agents and agencies involved, the existence of significant and involved potential Rule 404(b) evidence, the large number of items being examined by the crime lab and the anticipated expert testimony, along with the resultant voluminous discovery—supports a complex case designation.

Accordingly, the government asks the Court to grant this motion and declare this a complex case under 18 U.S.C. § 3161(h)(7)(B)(ii).

Dated: November 21, 2023

Respectfully submitted,

NATALIE K. WIGHT  
United States Attorney

*/s/ John C. Brassell*  
JOHN C. BRASSELL  
JEFFREY S. SWEET  
Assistant United States Attorneys